

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHAEL POLLOCK,

Plaintiff,

v.

3:07-cv-0637

DAVID P. DANIELS, et al.,

Defendants.

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THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

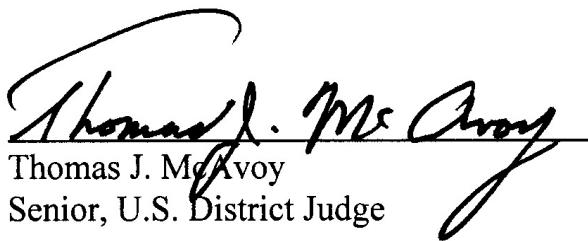
Plaintiff filed an Amended Complaint asserting claims against the New York State Police pursuant to 42 U.S.C. § 1983. Defendant New York State Police moves to dismiss pursuant to Rule 12.

Because: (1) the New York State Police is a division of the State of New York that is entitled to Eleventh Amendment immunity from suits brought pursuant to 42 U.S.C. § 1983, see Dunn v. Carrier, 137 Fed. Appx. 387 (2d Cir. 2005); Finkleman v. New York State Police, 2007 WL 41454546, at \*3 (S.D.N.Y. 2007); Dawkins v. Williams, 511 F. Supp.2d 248, 278-79 (N.D.N.Y. 2007) (Kahn, D.J.); (2) the State of New York cannot be held liable under § 1983 under the doctrine of *respondeat superior*, see Skehan v. Village of Mamaroneck, 465 F.3d 96, 108-09 (2d Cir. 2006); and (3) Plaintiff has failed to respond to the motion to dismiss, thereby indicating his consent to the relief requested, see N.D.N.Y.L.R. 7.1(b)(3),

the Complaint against the New York State Police and against the individual State Troopers in their official capacities must be DISMISSED.

IT IS SO ORDERED.

Dated: November 28, 2007

  
Thomas J. McAvoy  
Senior, U.S. District Judge